The Honorable Robert Lasnik

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SAMATAR ABDI, an individual, and HIRSI ABDIRAHMAN, an individual, Plaintiffs, v. PROSPECT INTERNATIONAL AIRPORT SERVICES CORPORATION, a foreign corporation, Defendants.	Case No. 2:16-cv-372 RSL **ORDER GRANTING PLAINTIFFS' MOTION FOR AWARD OF ATTORNEY'S FEES AND EXPENSES**

WHEREAS, Plaintiffs' have submitted authority and evidence supporting their Motion for Award of Attorney's Fees and Expenses; and

WHEREAS, the Court, having considered the pleadings on file and being fully advised, finds that good cause exists for entry of the Order below; now, therefore,

IT IS HEREBY FOUND, ORDERED, ADJUDGED, AND DECREED THAT:

1.   Unless otherwise provided herein, all capitalized terms in this Order shall have the same meaning as set forth in the Plaintiff's Motion for Attorney's Fees and Expenses.

ORDER GRANTING PLAINTIFF'S MOTION FOR
AWARD OF ATTORNEY'S FEES AND EXPENSES- 1
2:16-cv-00372

BADGLEY MULLINS TURNER PLLC
19929 Ballinger Way NE, Suite 200
Seattle, WA 98155
TEL 206.621.6566
FAX 206.621.9686

2.   The Court having appointed Badgley Mullins Turner, PLLC and the Law Offices of Daniel Whitmore as Class Counsel.

3.   Class Counsel has requested the Court calculate their award using the percentage-of-the-fund method. Class Counsel request the Court award 10.00% of the common fund as attorney's fees and expenses ($198,000.00)

4.   These requested attorney's fees are fair and reasonable under RCW 49.48.030 and the Ordinance ("SeaTac Municipal Code Chapter 7.45") based on the percentage-of-the-fund method. The Court reaches this conclusion after analyzing: (1) the results Class Counsel achieved; (2) Class Counsel's risk in this litigation; (3) the complexity of the issues presented; (4) the hours Class Counsel worked on the case; (5) Class Counsel's hourly rate; (6) the contingent nature of the fee; and (7) awards made in similar cases.

5.   Class Counsel has submitted authority and declarations to support the Court's lodestar cross-check.

6.   Class Counsel reasonably expended more than 122.9 hours on the investigation, preparation, filing, mediation, and settlement of Plaintiff's Claims. Their detailed time records are based on contemporaneous records of hours worked. Class Counsel exercised billing judgment and billed efficiently.

7.   Class Counsel's hourly rates - $565.00 for Duncan Turner, $495.00 for Daniel Whitmore, and $310.00 for Mark Trivett – are reasonable hourly rates considering their individual "experience, skill, and reputation," *see Trevino v. Gates*, 99 F.3d 911, 924 (9th Cir. 1996) and the prevailing market rates in this District. *See Blum v. Stenson*, 465 U.S. 886, 895 (1984).

ORDER GRANTING PLAINTIFF'S MOTION FOR
AWARD OF ATTORNEY'S FEES AND EXPENSES- 2
2:16-cv-00372

BADGLEY MULLINS TURNER PLLC
19929 Ballinger Way NE, Suite 200
Seattle, WA 98155
TEL 206.621.6566
FAX 206.621.9686

8.   Applying these rates to the number of hours reasonable expended in litigation, Class Counsel's lodestar is approximately $81,643.37. This lodestar reflects work and expenses that was reasonable and necessarily expended on the pursuing Plaintiffs' claims and that are estimated to occur in concluding the case. Plaintiffs' percentage-of-the-fund request represents a lodestar multiplier of 2.42.

9.   Based on the risk Class Counsel faced in litigating the certified questions and the quality of the work they performed, this Court finds a lodestar multiplier of approximately 2.42 is fair and reasonable.

10.   A lodestar multiplier is appropriate in this case based on the risk factor. See *Carlson v. Lake Chelan Cmty. Hosp.*, 116 Wn. App. 718, 742-43, 75 P.3d 533 (2003) (affirming application of 1.5 multiplier to lodestar); *Vizcaino v. Microsoft Corp.*, 290 F.3d 1043, 1052-54 (9th Cir. 2002) (approving multiplier of 3.65); *Steiner v. Am. Broad. Co.*, 248 Fed. Appx. 780, 783 (9th Cir. 2007) (approving multiplier of 6.85), *Craft v. Cnty. of San Bernardino*, 624 F. Supp. 2d 1113, 1125 (C.D. Cal. 2008) (approving multiplier of 5.2 and stating "there is ample authority for such awards resulting in multipliers in this range or higher." Here, Plaintiffs pursued the action under a remedial Washington employment statute and a local minimum wage ordinance. Class Counsel pursued this action on a contingency fee basis and assumed the risk that if they were unsuccessful, they would receive no compensation for their work on the certified questions or settlement negotiations. This action was one of the first to seek recovery of wages owed under the Ordinance, and thus, the potential existed for a long and protracted litigation as the Court addressed novel legal issues.

11.   In addition, a lodestar multiplier is appropriate based on the quality of work performed by Class Counsel. Class Counsel performed high-quality work, resulting in an

ORDER GRANTING PLAINTIFF'S MOTION FOR
AWARD OF ATTORNEY'S FEES AND EXPENSES- 3
2:16-cv-00372

BADGLEY MULLINS TURNER PLLC
19929 Ballinger Way NE, Suite 200
Seattle, WA 98155
TEL 206.621.6566
FAX 206.621.9686

extremely favorable collective settlement for Class Members, despite the class-action waiver present in the Class Members' employment agreements with Defendant Prospect. Class Members recovered the entirety of their owed wages arising under the Ordinance. This is an excellent result for the Class.

12.   In the Settlement Agreement negotiated by Class Counsel and Defendant Prospect in June 2016, Defendant Prospect agreed to pay to Class Members $1,980.000.00 to Class Members, inclusive of any attorney's fees and costs. This payment represents more than the total wages owed to Class Members. Defendant Prospect also agreed to bear the costs for retaining a third-party settlement administrator. Considering the existence of a class-action waiver and the probability of Class Members' potentially bringing individual actions for owed wages, the settlement negotiated by Class Counsel with Defendant Prospect is a good outcome for Class Members. The litigation expenses and settlement notice and administration fees and costs incurred by Class Counsel were reasonable, necessary, and appropriately documented in the declarations filed by Class Counsel.

13.   This Court also awards $1,000.00 to each Plaintiff as an incentive award.

14.   Based on the foregoing findings and analysis, the Court awards Class Counsel $198,000.00 in attorney's fees and costs.

IT IS SO ORDERED.

Dated this 2nd day of March, 2017.

MM S Lasnik

Robert S. Lasnik
United States District Judge

ORDER GRANTING PLAINTIFF'S MOTION FOR
AWARD OF ATTORNEY'S FEES AND EXPENSES- 4
2:16-cv-00372

BADGLEY MULLINS TURNER PLLC
19929 Ballinger Way NE, Suite 200
Seattle, WA 98155
TEL 206.621.6566
FAX 206.621.9686